

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
)	
v.)	
)	
GELEAN MARK,)	
VERNON FAGAN,)	Criminal No. 2006-80
WALTER ELLS,)	
DORIAN SWAN,)	
KELVIN MOSES,)	
HENRY FREEMAN, and)	
EVERETTE MILLS,)	
)	
Defendants.)	
)	

ATTORNEYS:

Delia L. Smith, AUSA
St. Thomas, U.S.V.I.
For the plaintiff,

Pamela L. Colon, Esq.
St. Croix, U.S.V.I.
For defendant Gelean Mark,

Kevin D'Amour, Esq.
St. Thomas, U.S.V.I.
For defendant Vernon Fagan,

Carl R. Williams, Esq.
St. Thomas, U.S.V.I.
For defendant Walter Ells,

Jesse Gessin, AFPD
St. Thomas, U.S.V.I.
For defendant Dorian Swan,

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Andrew L. Capdeville, Esq.
St. Thomas, U.S.V.I.
For defendant Kelvin Moses,

Dale L. Smith, Esq.
New York, NY
For defendant Henry Freeman,

ORDER

GÓMEZ, C.J.

Before the Court are the suppression motions of defendants Gelean Mark ("Mark"), Vernon Fagan ("Fagan"), Walter Ells ("Ells"), Dorian Swan ("Swan"), Kelvin Moses ("Moses"), Henry Freeman ("Freeman"), and Everette Mills ("Mills") (the "defendants"). Each defendant seeks suppression of any communications intercepted by wiretap pursuant to Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. §§ 1810 et. seq., ("Title III"). Additionally, defendant Fagan has filed a motion to suppress the physical evidence uncovered pursuant to a search of his vehicle and his residence by law enforcement. Freeman also moves for the suppression of currency seized from him by law enforcement. For the reasons set forth in the memorandum opinion of even date, it is hereby

ORDERED that the defendants' motion to suppress the communications intercepted by wiretap is **DENIED**; it is further

ORDERED that Freeman's motion to suppress the currency seized from him on November 17, 1998, is **DENIED**; it is further

ORDERED that Fagan's motion is **GRANTED** to the extent it seeks suppression of the crack cocaine uncovered from his vehicle; and it is further

ORDERED that the crack cocaine found in Fagan's vehicle shall be **SUPPRESSED**.

Dated: September 5, 2007

S_____
CURTIS V. GÓMEZ
Chief Judge

Copy:

Hon. Geoffrey W. Barnard
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Mrs. Trotman
Ms. Donovan
Mrs. Schneider
Probation
U.S. Marshals
Bailey Figler, Esq.